

Special Education Advisory Panel Meeting Minutes

Office of Public Instruction

1300 11th Avenue Conference Room, Helena

September 18-19, 2008

Members in Attendance: Terry Galle, Susan Gunn, Denise Herman, Carroll DeCouteau, Tim Norbeck, Mark Thatcher, Pam Campbell, Sharon Lindstrom, Rena Steyaert, Samantha Hendricks

Excused Members: Ken Miller, Jackie Emerson (Thursday), Wanda Grinde, Dave Mahon, Dustin Shipman

Non-Members in Attendance: Tim Harris, Bob Runkel, Dick Trerise, Frank Podobnik, Floy Scott, Marlene Wallis, Judy Snow (via telephone), John Copenhaver

Thursday, September 18, 2008

Chairperson Terry Galle called the meeting to order at 8:30 a.m. The Panel members and guests introduced themselves. Chairperson Galle requested that the Panel members review the Proposed Agenda. Following review of the Proposed Agenda, Susan Gunn moved to accept the Proposed Agenda, Tim Norbeck seconded the motion and the motion passed. The June 12-13, 2008, meeting minutes were reviewed and Denise Herman moved to accept the minutes. Mark Thatcher requested that NCLB be written out the first time it is used in the June 12-13, 2008, minutes. Pam Campbell seconded the motion with the recommendation. The motion passed and the minutes were approved with the recommendation.

Chairperson Galle called for Public Comments. There were no Public Comments.

OPI Report

Review of Panel Responsibilities

Dick Trerise presented a short overview of the responsibilities of the Panel. The Panel orientation will be presented by John Copenhaver at Friday's meeting, September 19, 2008.

The Office of Special Education and Rehabilitative Services (OSERS) guides and supports programs and projects that support individuals with disabilities, including the Office of Special Education Programs (OSEP).

The OSEP supports programs and projects authorized by the Individuals with Disabilities Education Act (IDEA) that improve results for infants, toddlers, children and youth with disabilities. The OSEP oversees IDEA law and is responsible for all regulations.

Dick noted that the state agency (Office of Public Instruction—OPI) promulgates procedures and practices. Three units within the Division of Special Education are responsible for ensuring that procedures and practices are followed. The three units are: IDEA School Improvement, Dick

Trerise, Unit Manager; IDEA Professional Development, Susan Bailey-Anderson, Unit Manager; and IDEA Part B Program/Data and Accountability, Frank Podobnik, Unit Manager.

The Division of Special Education is responsible for making sure schools are following the rules, regulations, etc., to provide students with a free appropriate public education (FAPE), according to the reauthorization of 2004.

Dick informed the Panel that the OPI relies more and more on the Panel to assist in developing improvement in setting targets for substantial compliance on all compliance indicators. The Panel meets four times a year and the Division of Special Education plans to send the Panel drafts of the development of compliance targets as we go along. The next Panel meeting will concentrate primarily on the SPP and the APR.

Highly Qualified Teachers (HQT)

Dick shared correspondence from the U.S. Department of Education (USDE) regarding No Child Left Behind Act (NCLB) and Highly Qualified Teacher (HQT). The USDE stated that they understand the difficulties that Montana and other highly rural states experience in recruiting and retaining teachers who are highly qualified in multiple subjects. Because of the importance given to highly qualified teacher standards, Montana was denied their request for additional flexibility; therefore, Montana will enact all HQT requirements compliant with the statute.

Achievement in Montana (AIM)—Student Information

Dick presented a review of the progress made with the AIM program. Tim Harris told the Panel that the Montana edition for special education is fairly well finished. It should be completed near the end of February. Infinite Campus, the AIM software vendor, is capable of making more changes to the program.

Testing of the program will be accomplished by seven pilot schools and one cooperative. Dick said the transfer of records is important. We will have to assure that access to the records is only allowed to authorized personnel.

Assessment Report

Judy Snow, via conference telephone, and Frank Podobnik informed the Panel that the Montana Office of Public Instruction received two grant awards to evaluate design approaches for assessments based on modified achievement standards. The assessments are targeted for students with IEPs who are not eligible for the CRT-Alternate, but are performing at low levels on the Criterion-Reference Test with standard accommodations. The grants' research considers the following content areas and grades: Enhanced Assessment Grant (EAG): Reading, Grade 10; and General Supervision Enhancement Grant (GSEG): Reading and Math, Grades 7 and 8.

The partnership of Montana school systems, schools and educators in research and development activities is needed to complete the work for the grants. All data will be aggregated and reported

in a way that confidentiality will be provided for participating communities, systems, schools, students and teachers.

A table of events and timelines for each grant was provided for the Panel members. The Panel was also given a Draft CRT-MAS Eligibility Guidelines guide.

State Performance Plan (SPP)/Annual Performance Report (APR) Issues

Floy Scott presented to the Panel the "State-to-Local Determinations for State Fiscal Year 2008." Floy stated that the "Determination Criteria" includes: Meets Requirements; Needs Assistance, Needs Intervention; and Needs Substantial Intervention.

Meets Requirements:

Performance Indicators = 100 Percent Compliance (Indicators 9, 10, 11, 12, 13, 16, 17, 20)

Exception: One Indicator at or above 90 Percent Compliance (Indicators 11, 12, 13, or 20 only) and

Timely Correction of Noncompliance (Indicator 15) and

No Audit Findings

Needs Assistance:

One or more Performance Indicators Between 75 Percent and 90 Percent (Indicators 11, 12, 13, 16, 17, 20) or

Failure to Timely Correct Noncompliance (Indicator 15) or

Identified as Having Disproportionate Representation (Indicators 9, 10) or

Audit Findings

Needs Intervention:

One or More Performance Indicators Below 75 Percent (Indicators 11, 12, 13, 16, 17, or 20) or

Failure to Timely Correct Noncompliance (Indicator 15) or

Identified as Having Disproportionate Representation (Indicators 9, 10) or

Audit Findings

Needs Substantial Intervention:

The failure to substantially comply significantly affects the core requirements of the IDEA, such as the delivery of services to children with disabilities or state exercise of general supervision; and/or

The district has informed the OPI that it is unwilling to comply.

The district has been determined through audit findings to have misspent IDEA funds.

Levels of Determination Criteria: School Year 2006-2007

Floy Scott distributed to the Panel a list of factors that are used by the OPI to determine a district's level of performance in meeting the requirements and the purposes of IDEA. The handout is included as part of the minutes.

Additional Items

Yellowstone Academy Up-date

Dick informed the Panel that the Academy received an out-of compliance monitoring because of school-specific issues. The OPI will require evidence of correction of noncompliance.

Special Education Complaints, Mediation, Due Process Hearing Requests and Information— Filed July 1, 2007 Through June 30, 2008

A written report from Kathleen Magone, Chief Legal Counsel, Compliance Officer, was distributed to the Panel members. This report contains information on Complaints and Due Process Hearing Requests during the July 1, 2007-June 30, 2008 period. The report is attached as part of the minutes.

Agenda Items for Next Meeting(s)

Annual Performance Report
State Performance Report

Dates for Next Two Meetings

January 15-16, 2009
April 30-May 1, 2009

Friday, September 19, 2008

Panel Orientation

Dick Trerise introduced John Copenhagen to the members of the Panel. John is the Director of the Mountain Plains Regional Resource Center in Logan, Utah.

John informed the Panel that the Mountain Plains Regional Resource Center is a discretionary program that serves 10 states and the Bureau of Indian Education. The mission of the Center is to build the capacity of states to better serve children with disabilities. The technical assistance provided by the Center is state-specific, multi-state, regionwide and multiregional.

John Copenhagen explained the requirements of the Panel to the members. He explained that a majority of the members must be individuals with disabilities or parents of children with disabilities. The state superintendent appoints the Panel members. Panel members represent a stakeholder group and should express the views of that group. The Panel's role is to advise not advocate regarding priority issues. Functions of the Panel that are outlined in the IDEA regulations include: advise the SEA of unmet needs within the state in the education of children with disabilities; comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities; advise the SEA on developing evaluations and reporting on data to the Secretary under Section 618 of the Act; advise the SEA in developing

improvement plans to address findings identified in federal monitoring reports under Part B of the Act; advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities; and advise on eligible students with disabilities in adult prisons. John said that the bylaws should be reviewed annually.

It was noted that the Panel serves without compensation, attends reasonable and necessary meetings and may request interpreters. The Panel needs to provide input for Advisory Panel agenda items. The meetings are open for public comment with ground rules and official minutes are taken.

Adjourn

Following the Panel Orientation session, Denise Herman moved to adjourn the meeting, Pam Campbell seconded the motion and the motion passed. The meeting adjourned at Noon.